

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STANISLAW MISIEWICZ,

Plaintiff,

-against-

D'ONOFRIO GENERAL CONTRACTORS
CORP., et al.,

Respondent.

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MATSUMOTO, United States District Judge:

NOT FOR PUBLICATION

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

08-CV-4377 (KAM)(CLP)

Plaintiff Stanislaw Misiewicz ("Misiewicz") filed a complaint alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et. seq. and other statutes. (See Doc. No. 1, Complaint.) Without consulting his attorney, plaintiff negotiated and entered into a purported settlement agreement with the defendants. After holding a hearing at the request of plaintiff's attorney to determine the propriety of the settlement, reviewing a final settlement submitted *in camera*, and other submissions from the parties, Magistrate Judge Cheryl Pollak issued a Report and Recommendation ("Report") dated May 17, 2010. (See Doc. No. 115, Report & Recommendation ("R&R").) In the R&R, Judge Pollak recommended that the parties' proposed settlement and the requested amount of attorney's fees be approved.

Notice of the Report was sent electronically via the court's electronic filing system to all parties on May 17, 2010.

The Report and Recommendation also directed the Clerk of the Court to serve a copy of the Report and Recommendation by U.S. mail. (R&R at 13.) The Report and Recommendation notified the parties of the right to file written objections by within fourteen (14) days of receipt of the Report, or by June 3, 2010. (See R&R at 12, see also docket text accompanying Doc. No. 115.) The period for filing objections for all parties has now expired, and no objections to the Report and Recommendation have been filed.

A district court reviews those portions of a Report and Recommendation to which a party has timely objected under a *de novo* standard of review and "may accept, reject, or modify, in whole or in part, the findings or recommendations . . ." 28 U.S.C. § 636(b)(1)(C). However, where no objections to the Report and Recommendation have been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the record and Judge Pollak's well-reasoned Report, the court finds no clear error in Judge Pollak's Report and Recommendation and hereby affirms and adopts the Report and Recommendation in its entirety as the opinion of the court.

The parties' motion to approve the settlement is granted and the requested amount of attorney's fees are approved. Accordingly the claims of plaintiff Stanislaw Misiewicz are dismissed with prejudice. The remaining parties are directed to submit a joint status report, specifically addressing the remaining cross claim, by June 30,2010.

SO ORDERED.

Dated: June 18, 2010
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge